

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE SEPTEMBER 11 LITIGATION

x : 21 MC 101 (AKH)

CEDAR & WASHINGTON ASSOCIATES, LLC,

Plaintiff,

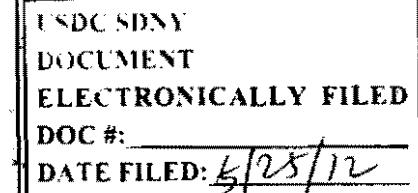
-against-

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, SILVERSTEIN PROPERTIES, INC., WORLD TRADE CENTER PROPERTIES LLC, SILVERSTEIN WTC MGMT. CO. LLC, I WORLD TRADE CENTER LLC, 2 WORLD TRADE CENTER LLC, 3 WORLD TRADE CENTER LLC, 4 WORLD TRADE CENTER LLC, 7 WORLD TRADE COMPANY, L.P., HMM WTC, INC., HOST HOTELS AND RESORTS, INC., WESTFIELD WTC LLC, WESTFIELD CORPORATION INC., CONSOLIDATED EDISON COMPANY OF NEW YORK, AMR CORPORATION, AMERICAN AIRLINES, INC., UAL CORPORATION, and UNITED AIRLINES, INC.,

Defendants.

x : **ORDER SETTING BRIEFING**  
**SCHEDULE AND**  
**ARGUMENT**

x : 08 Civ. 9146 (AKH)



ALVIN K. HELLERSTEIN, U.S.D.J.:

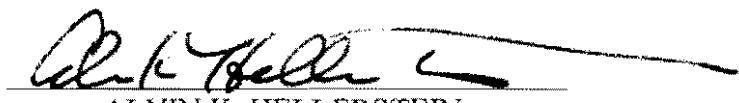
On September 22, 2010, I granted defendants' motion to dismiss in the above-captioned matter. Plaintiff appealed, and on May 23, 2012, the Second Circuit Court of Appeals remanded the case to me "to decide in the first instance whether the act-of-war exception in [the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")] . . . applies in this case." In re September 11 Litigation, Cedar & Washington Assocs, LLC v. The Port Auth. of N.Y. and N.J., 10-4197-CV, 2012 U.S. App. LEXIS 10342 at \*5 (2d Cir., May 23, 2012).

I will entertain the parties' submissions pursuant to the Court of Appeals' mandate according to the following schedule:

1. Defendants' submission, by June 20, 2012.
2. Plaintiff's submission, by July 6, 2012.
3. Defendants' reply, by July 13, 2012.
4. Oral argument on the matter will be heard on July 23, 2012 at 2:00 p.m. in Courtroom 14D.

SO ORDERED.

Dated: May 25, 2012  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge